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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,513	12/14/2001	Maynard Grimm	MGJW-B01-Prv	8238

7590

08/16/2005

J. Carl Cooper
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EXAMINER

GRIER, LAURA A

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,513

Applicant(s)

GRIMM ET AL.

Examiner

Laura A. Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 7-8 and 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Shinohara et al., U. S. Patent No. 6718217.

Regarding claim 1 and 4, Shinohara et al. (herein, Shinohara) discloses a digital audio evaluating system. Shinohara's disclosure (figure 1, col. 4, lines 42-67 and col. 5, lines 1-5) comprises a plurality of devices (10a ... 10d) having inputs to a change-over switch (15), which reads on a plurality of audio signal inputs, each operable to receive an audio signal which is carried via one or more channels; further the change-over switch reads on a selector; the combined functions of the coupling D/A converter (20), the A/D converter (25) and the analyzer (30), reads on a signal processing section; the display (40), the printer (45) and speakers (56/57), wherein one is inherently a right speaker and left speaker (wherein, indicates distinct known forms) indicates the plurality of output circuits; and further the monitor indicates visual

monitoring of the processed signal and the loudspeakers constitutes as audible monitoring of the processed signal.

Regarding claim 7 and 8 Shinohara discloses a digital audio evaluating system.

Shinohara's disclosure (figure 1, col. 4, lines 42-67 and col. 5, lines 1-5) comprises a plurality of devices (10a ... 10d) having inputs to a change-over switch (15), which reads on a plurality of audio signal inputs, each operable to receive an audio signal which is carried via one or more channels; further the change-over switch reads on a selector; the combined functions of the coupling D/A converter (20), the A/D converter (25) and the analyzer (30), reads on a signal processing section; the display (40), the printer (45) and speakers (56/57), wherein one is inherently a right speaker and left speaker (wherein, indicates distinct known forms) indicates the plurality of output circuits, wherein the display provides a digital form of the selected signal and the loudspeakers produce an analog left and right output, which further defines the distinct known forms of the processed signal; and further the monitor indicates visual monitoring of the processed signal and the loudspeakers constitutes as audible monitoring of the processed signal.

Regarding claim 11, Shinohara discloses everything claimed as applied above (see claim 7), Shinohara discloses the analog signal output to the speaker in respect the D-to-A converter, and the digitized signal is output from the analyzer to various operating devices such as the display, the printer, storage or recording medium, which indicates the claimed limitation of at least digital forms, wherein the different clock rates are inherent to the processing of the digital processors of the analyzer.

Regarding claim 12, Shinohara discloses everything claimed as applied above (see claim 7), Shinohara discloses the analog signal output to the speaker in respect the D-to-A converter,

Art Unit: 2644

and the digitized signal is output from the analyzer to various to operating devices such as the display, the printer, storage or recording medium, which indicates the claimed limitation of at least digital forms, wherein the different industry standards are inherent to the processing of the digital processors of the analyzer.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3, 5-6, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinohara.

Regarding claims 2 and 5 Shinohara discloses everything claimed as applied above (see claim 4 and 7, respectively). Shinohara obviously indicates using parameters established in manufacture as evident by the fact of processing utilizing Fast Fourier Transformation and variable frequency resolutions, therein, and further Shinohara discloses the digital signal processors for using an operating factor (which constitutes a parameter) and as well, Shinohara discloses operating devices such as the mouse and keyboard (col. 5, lines 23-43), which would make it obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Shinohara by implementing the use of parameters input by the operator of the audio system.

Regarding claim 9, Shinohara discloses everything claimed as applied above (see claim 7). Shinohara discloses the digital signal processors for using an operating factor (which constitutes a parameter) and as well, Shinohara discloses operating devices such as the mouse and keyboard (col. 5, lines 23-43), which would make it obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Shinohara by implementing the use of parameters input by the operator of the audio system.

Regarding claims 3, 6 and 10 Shinohara discloses everything claimed as applied above. Shinohara fails to disclose a mixing element or a mixing step for mixing a second signal with the selected signal. The use of a mixer was well known in the art. Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Shinohara by implementing a mixer for the purpose of mixing the to together different audio signals and/or sounds for the purpose of the enhancing the sound effects of audio signal output.

Response to Arguments


6. Applicant's arguments, see Remarks/Arguments and Declaration under 35 C.F.R. 1.131, filed 7/11/05, with respect to the rejection(s) of claim(s) 1-10 under 35 U.S.C. 102(e) and claims 11-12 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Shinohara et al. The Shinohara reference discloses selecting one of a plurality audio signals from of inputs, processing the signal, and provide the processed to various outputs, wherein the processed signal is being monitored via a display, and through the speakers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A. Grier whose telephone number is (571) 272-7518. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Laura A Grier
Primary Examiner
Art Unit 2644

August 15, 2005